

## REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

Further to the RCE filed concurrently herewith, and in response to a Final Rejection issued on November 19, 2007, applicants submit this response and claim amendments to further distinguish the present invention over the cited prior art references.

In a first aspect, pending independent Claims 12, 22 and 32 are being canceled and new Claims 35, 36 and 37 are respectively being submitted therefore. Some of the dependent claims have been further amended to properly depend on the new independent claims. Moreover, Claims 3, 15 and 25 are being canceled and the contents of each wholly incorporated in new Claims 35, 36 and 37, respectively. Each of these new Claims 35, 36 and 37 are being amended in important respects:

First of all, the invention is now being characterized as a wrist watch device which places the invention out of the context of Ran et al. the reference cited in rejection of all the claims. No new matter is being entered as Figs. 1 and 2 clearly described the preferred embodiment of a wrist watch device having the functionality as claimed. Ran's system operates only in conjunction with standard communications devices, not a wrist watch device. Thus, each of the new Claims include a wrist watch device recitation.

Second, the server control device (as claimed in new Claim 35 and is element 720, Fig. 6 of the application) receives the data request via a first communications sub-system (element 710) and, in response to the request, retrieves the requested data for said user and assembles the retrieved data in a suitable form, and transmits the data in the suitable form to a second communications sub-system, said second communications sub-system including a wireless data transmission channel (elements 740, 750, Fig. 6) for transmitting in turn said

data in said suitable form to said wrist watch at a specified future time and location determined according to the time and location information included in the user request. That is, the server performs the additional function of mixing modalities of communication as it is in communication with both the first and second communications sub-systems (see, e.g., where server control device 720 receives data request from a first communications sub-system (e.g., phone line as shown in Fig. 6) and transmits the data in the suitable form to a second communications sub-system so that the requested data can be communicated to the user via the wireless data transmission channel provided with the second communications sub-system.

Third, new independent Claims 35, 36 and 37 now set forth the inventive system and method for communicating data to a wrist watch device implementing a wireless data receiver device for receiving wireless data communications, that includes placing the wireless data receiver device of said wrist watch in a receive mode of operation for receiving said wireless data communications in synchronism with user availability at the user-specified future time and location without requiring further user participation during said transmission.

Fourth, new independent Claims 35, 36 and 37 now set forth the inventive system and method for communicating data to a wrist watch device implementing a wireless data receiver device for receiving wireless data communications, that includes implementing a user identification code that forms part of the data request for uniquely identifying the user's wrist watch device and ensuring proper data transmission thereto. Claims 3, 15 and 25 are being canceled and the content further incorporated in new independent Claims 35, 36 and 37, respectively. Thus, the invention includes additional functionality that includes the step of presenting a personalized menu to the user, the menu comprising user selections associated with types of data to be transmitted based on the user identification code.

In the Office Action of November 19, 2007, Claims 2-12, 14-22 and 24-34 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Ran et al. (US Patent No. 6,209,026) (hereinafter “Ran”) in view of Shibata (US Patent No. 5,835,923) (hereinafter “Shibata”).

New Claims 35-37 are respectfully neither taught nor suggested by the combination of Ran and Shibata.

First of all, Ran does not speak to nor suggests the implementation of a wrist watch device including a wireless data receiver device for receiving wireless data communications. Moreover, Ran does not teach or suggest implementing a user identification code that forms part of the data request for uniquely identifying a user's wrist watch device and ensuring proper data transmission thereto at a specified time and location. Nor does Ran teach or suggest additional functionality that includes the step of presenting a personalized menu to the user, the menu comprising user selections associated with types of data to be transmitted based on the user identification code.

Notwithstanding the Examiner's rejection on page 3, last paragraph, of the Final Office Action dated November 19, 2007 where the Examiner alleges that Ran discloses the request includes a user identification code for uniquely identifying the user's “wearable appliance” and ensuring proper data transmission thereto (at col. 2, lines 30-40 of Ran), applicants' respectfully disagree.

That is, contrary to the Examiner's reasoning provided in her rejection of Claim 2, Ran (US 6,209,026) does not state what the Examiner has alleged. Instead, this passage of Ran merely states the following:

In accordance with a still further aspect of the present

invention, said central processing system assigns a universal user ID and password to a registered user and said user uses one or several of the following individual means and procedures to receive personalized real-time traveler information and warning: (1) filling or revising information/warning request forms and requesting a universal user ID and password for all individual means for receiving information and warning; (2) receiving personalized real-time traveler information; (3) receiving personalized abnormal real-time travel condition warning.

Thus, Ran must be interpreted as merely disclosing: "(1) filling or revising information/warning request forms and requesting a universal user ID and password for all individual means for receiving information and warning; (2) receiving personalized real-time traveler information; (3) receiving personalized abnormal real-time travel condition warning."

Consequently, Ran does not teach or suggest anywhere that "said request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto" as alleged in the Final Office Action. Rather, the instant invention as now claimed in new Claims 35, 36 and 37 has an entirely different feature according to which said data request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto and, moreover, enabling presentation of a personalized menu to the user, the menu comprising user selections associated with types of data to be transmitted based on the user identification code. Ran simply does not teach or suggest the presentation of a personalized menu to the user comprising user selections associated with types of data to be transmitted based on the user identification code.

Accordingly, Ran requests only a universal user ID and password for receiving information and warning instead of a user identification code for uniquely identifying the user's wearable appliance as required by the instant invention. Thus, Ran's user ID is used to provide data to a specific user, while in this invention the user ID is used further to identify a

wrist watch device placed in a “receive” mode to receive a data communication at a specified time and location.

Thus, further to applicant prior arguments submitted with their response of May 29, 2007, the user does not have to actively participate in receiving the actual data transmission at the requested future time and location, i.e., the wearable appliance implements a built-in alarm mechanism that enables the wireless data receiver device to receive the requested wireless transmission at the specified time and location without requiring further user participation during the transmission. This is facilitated by the specification of a user identification code that forms part of the data request for uniquely identifying the user’s wearable appliance and ensuring proper data transmission thereto.

One feature clarified in the new independent Claims 35-37 is the recitation that in response to the user request, the server control device retrieves the requested data for the user and assembles the retrieved data in a suitable form, and transmits the data in the suitable form to a second communications sub-system, the second communications sub-system including a wireless data transmission channel (elements 740, 750, Fig. 6) for transmitting in turn said data in said suitable form to said wrist watch at a specified future time and location.

In view of the Ran reference, Figs. 1 and 2, such functionality is not present. Ran, in one aspect relates to a real-time processing “pull” infrastructure whereby a user transmits a data request for essentially “time critical” information, e.g., real-time traffic, warnings, traffic information, which is promptly gathered at a central server via one or more resources, and formatted for transmission back to the same requesting device via the same communications modality. In Ran, the nature of the information being requested by users is time critical, e.g. traffic information, and in such instance, necessarily requires that the same device used for the request is the device used to receive the resulting requested data (See Fig.

1 and discussion in Ran at Col. 4, lines 38- Col. 5, line16; See Ran Claim 1). Thus, for example, a user requesting traffic from an in-vehicle navigation device will synchronously receive the information by the same in-vehicle device, i.e., in “real time “ while the user is traveling (See Ran at Col. 4, lines 8-10 and, the discussion in Ran at col. 4, line 39 - col. 6, line 46 where each description of a respective host server is characterized as receiving and processing user’s request for “real-time” personalized traffic information. The term “realtime” in Ran connotes an immediate need; that is, the same server receiving the request will receive aggregated requested data and send the requested information back to the user who is waiting on the requesting device and communications channel.

That is, in Ran’s Fig. 1, in no instance, is there shown a server in communication with another server representing another communications modality. All that is shown in Fig. 1 is the (host) servers communicating with a common database. Rather in the present invention, after receiving the request from a first communications sub-system, the server control device transmits the retrieved assembled user requested data in a suitable form to the second communications sub-system for transmission via the wireless channel.

The features of new independent Claims 35-37 clarify further novel aspects of the present invention that are neither taught nor suggested by Ran: namely, that it provides users with an asynchronous demand-pull functionality for a wearable digital appliance (e.g., a “smart” wrist watch) that implements a wireless data receiver device by providing a method for communicating data to the wearable appliance so that the device may receive wireless data communications at a user-specified time and location and without user participation. User participation is not required in the present invention as the user device may be programmed to awake the data receiving channel from a sleep mode of operation to automatically receive the data transmission at the requested time and location if no other application on the device

needs to use the receiving communication channel. This is facilitated by the specification of a user identification code that forms part of the data request for uniquely identifying the user's wrist watch device and ensuring proper data transmission thereto. To the contrary, In Ran, there is no need to specify the "location" of the device where user requested data is to be received as it simply does not provide the asynchronous pull functionality using two communication sub-systems in the manner as claimed.

While Shibata has been cited as providing the teaching of a wake-up device, again, applicants submit that the device in Shibata awakes a whole device from a powered off or sleep mode that includes a timer that will turn on an AC power source (in view of Shibata Fig. 15 which connotes that the Shibata receiver device is NOT a mobile device such as a wrist watch). Shibata describes this in the context of a publication/information transmitting and viewing system that includes programmable timing functionality to awake a newspaper data decoder device 52 from a sleep state and for enabling a tuner/receiver device 51 and a newspaper on-demand terminal 53 to be powered up under control of a timer (Fig. 15 of Shibata). This is not what is being claimed in new Claims 35-37, as Shibata has nothing to do with a wrist watch device and that fact that Shibata uses an ac power source, is not a mobile device for receiving data personalized for a user. Thus, one would not be motivated to look to the publishing arts such as described in Shibata to make up the deficiencies of Ran and thus, it is respectfully submitted, is not combinable with Ran.

For all the foregoing reasons, applicant respectfully submits that new independent Claims 35—37 are patentably distinct over Ran, whether taken alone or in combination with Shibata, and the Examiner is respectfully requested to withdraw the rejections of all claims under 35 U.S.C. §103(a) and to allow these claims and all Claims dependent thereon to proceed to issuance. Present Claims 4, 7, 10-11, 16, 19, 26-29 and 33-

34 are being amended herein to change their dependency in view of the cancellation of Claims 3, 15 and 25 and 12, 22 and 32.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", followed by a horizontal line extending to the right.

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